IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM NO.49218-M of 2006
DATE OF DECISION.5.12.2006

Satwinder Pal Singh .....Petitioner

Versus

State of Punjab and another .....Respondents

CORAM HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT Mr.Ankur Mittal, Advocate
for the petitioner.
Mr. M. S. Joshi,DAG, Punjab
for respondent no.1.
Mr. Anil Sharma, Advocate
for respondent no.2.

AJAI LAMBA , J(Oral)

This is a petition under Section 482 of the Code of Criminal Procedure for quashing of FIR bearing No.82 dated 4.3.2002 under Sections 186, 189, 353, 279, 506 of the Indian Penal Code, Police Station Divn. No.5, Ludhiana Annexure P1 and all consequent proceedings.

It is pleaded that an untraced report was submitted on 9.12.2003. It was specifically stated that the accused be got discharged. In accordance with the decision of the investigating agency , a statement was given in Court by the police official that the accused be discharged. Additional Chief Judicial Magistrate,Ludhiana vide order dated 18.2.2006, however,has not acceded to the request on the ground that Section 279 IPC is not compoundable and therefore, the accused cannot be discharged.

Notice of motion was issued. Respondent no.2 Pradeep Kumar, complainant of the FIR is represented by his counsel. He has further

endorsed the fact that the prosecution of the case is not pressed and there is no objection to the acceptance of the untraced report. Reply has also been filed wherein in para 4 this aspect has been specifically stated. As per the contents of the FIR, an altercation took place between the occupants of the car in which the petitioner was traveling and the police personnel.

Learned counsel appearing for the parties state that now the matter has been settled by way of compromise, continuance of proceedings shall result in mock trail as no result would be forth coming.

Having considered the facts and circumstances above, I am of the considered opinion that it would be an abuse of process of Court if the proceedings are allowed to go on in the face of such developments in the case.

Petition is allowed.

FIR bearing No.82 dated 4.3.2002 under Sections 186, 189, 353, 279, 506 of the Indian Penal Code, Police Station Divn. No.5, Ludhiana Annexure P1 and all consequent proceedings thereof are hereby quashed.

December 5,2006 **(AJAI LAMBA)**
mamta **JUDGE**